

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

GUISA-ORTEGA,

Defendant.

Case No. [23-cr-00326-SI-1](#)

**ORDER DENYING DEFENDANT'S  
MOTION FOR A SENTENCE  
REDUCTION**

Re: Dkt. No. 61

Defendant Raul Guisa-Ortega has filed a pro se motion to reduce his sentence under 18 U.S.C. § 3582(c)(2). Dkt. No. 61. Subsequently, the Office of the Federal Public Defender notified the Court that it did not intend to represent defendant in this matter. Dkt. No. 62. The government filed a short statement of opposition. Dkt. No. 63.

Defendant's motion is premised on Part B of Amendment 821 to the U.S. Sentencing Guidelines. That amendment added section § 4C1.1 to the guidelines. Section 4C1.1(a) allows for the decrease in a defendant's offense level by two levels if the defendant meets eleven criteria. The first criterion is that the defendant did not have any criminal history points that factored into his original sentence. U.S. Sent'g Guidelines Manual § 4C1.1(a)(1). Defendant here asserts that "[t]he PSR states that he has zero criminal history points at the time of his sentencing." Dkt. No. 61 at 3. Defendant is mistaken. The Presentence Investigation Report filed in his case calculates a total of six criminal history points for defendant. Dkt. No. 55 at 10. Accordingly, defendant is not eligible for a reduction in his sentence under § 4C1.1(a).

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The Court DENIES defendant's motion to reduce his sentence.

**IT IS SO ORDERED.**

Dated: December 18, 2024

A handwritten signature in black ink, reading "Susan Illston". The signature is written in a cursive, flowing style. The first name "Susan" is written with a large, looped 'S'. The last name "Illston" is written with a large, looped 'I' and a trailing flourish.

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SUSAN ILLSTON  
United States District Judge